

The House Committee on Governmental Affairs offers the following substitute to HB 1297:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-131 of the Official Code of Georgia Annotated, relating to
2 fixing and publishing qualification fees, so as to nominally increase qualification fees; to
3 provide for legislative intent; to provide for related matters; to repeal conflicting laws; and
4 for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 21-2-131 of the Official Code of Georgia Annotated, relating to fixing and
8 publishing qualification fees; is amended by revising subsection (a) as follows:

9 "(a) Qualification fees for party and public offices shall be fixed and published as follows:

10 (1)(A) The governing authority of any county or municipality, not later than February 1
11 of any year in which a general primary, nonpartisan election, or general election is to
12 be held, and at least 35 days prior to the special primary or election in the case of a
13 special primary or special election, shall fix and publish a qualifying fee for each
14 county or municipal office to be filled in the upcoming primary or election. Except as
15 otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent
16 of the total gross salary of the office paid in the preceding calendar year including all
17 supplements authorized by law if a salaried office plus an additional fee of \$75.00 for
18 each year of the term of office for which such person is qualifying.

19 (B) For the offices of clerk of the superior court, judge of the probate court, sheriff, tax
20 commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum
21 salary specified in subsection (a) of Code Section 15-6-88, paragraph (1) of subsection
22 (a) of Code Section 15-9-63, subsection (a) of Code Section 15-10-23, paragraph (1)
23 of subsection (a) of Code Section 15-16-20, and paragraph (1) of subsection (b) of Code
24 Section 48-5-183, exclusive of supplements, cost-of-living increases, and longevity
25 increases plus an additional fee of \$75.00 for each year of the term of office for which
26 such person is qualifying. For the office of members of the county governing authority,

the qualifying fee shall be 3 percent of the base salary established by local Act of the General Assembly or by Code Section 36-5-25 as adjusted pursuant to Code Section 36-5-24, if applicable, exclusive of compensation supplements for training provided for in Code Section 36-5-27 and cost-of-living adjustments pursuant to Code Section 36-5-28 plus an additional fee of \$75.00 for each year of the term of office for which such person is qualifying. If not a salaried office, a reasonable fee shall be set by the governing authority of such county or municipality, such fee not to exceed 3 percent of the income derived from such county office by the person holding the office for the preceding year or more than \$35.00 for a municipal office;

(2) Within the same time limitation as provided in subparagraph (A) of paragraph (1) of this subsection, the Secretary of State shall fix and publish a qualifying fee for any candidate qualifying by this method with a state political party and for any candidate qualifying with the Secretary of State for a nonpartisan election and for any candidate filing with the Secretary of State his or her notice of candidacy for a general or special election. Such fee shall be 3 percent of the annual salary of the office if a salaried office plus an additional fee of \$75.00 for each year of the term of office for which such person is qualifying, except that the fee for members of the General Assembly shall be \$400.00 plus an additional fee of \$150.00. If not a salaried office, a reasonable fee shall be set by the Secretary of State, such fee not to exceed 3 percent of the income derived from such office by the person holding the office for the preceding year;

(3) A reasonable qualifying fee may be set according to party rule for each political party office to be filled in a primary. Such fees shall be set and published by the county or state political party not later than February 1 of the year in which the primary is to be held for the filling of such party office.

(4) All such additional fees shall be paid to the general fund of the state treasury by the entity collecting such additional fees. It is the intent of the General Assembly that an amount equal to the total amount of funds derived from such additional fees be appropriated to fund the operations of the State Ethics Commission."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.